IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.12.2007

CORAM;

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.36147 OF 2007
and
M.P.No.1 of 2007

R.K.Saravana Kumar ..Petitioner

vs

1.The Director of Higher
Secondary Education
College Road
Chennai 600 006

2.Chief Educational Officer
Cuddalore District.
Cuddalore

3.District Educational Officer
Chidambaram

4.The Head Master
Govt., Nandanar Boys
Higher Secondary School
Chidambaram

5.Child Labour Helpline
Karaikal ..Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issue of writ of Mandamus directing the 4th respondent to allow the petitioner to attend the XII Std Class 1st Group `A'-1 Section in the 4th respondent's School for the academic year 2007 to 2008.

for petitioner :Mr.A.Muthukumar

for respondents :Ms.Dakshayani Reddy, G.A. (E)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

ORDER

The writ petition is filed for a direction against the 4th respondent to allow the petitioner to attend the XII Std Class 1st Group `A'-1 Section in the 4th respondent School for the academic year 2007-2008.

2. The petitioner is admittedly a student of the 4th respondent school doing XII Std 1st Group `A'-1 Section. It is his allegation that the 4th respondent has been ill-disposed of towards him due to various reasons and has been using harsh words. It is also his case that the 5th respondent-Child Labour Helpline, Karaikal has infact taken efforts to persuade the 4th respondent to admit him to continue in the course. In spite of it, according to the petitioner, the 4th respondent is not allowing the petitioner to continue in the course which will affect his future.

3. When the matter came up for admission this Court directed Ms.Dakshayani Reddy, learned Government Advocate to take notice for respondents 1 to 4.

4. Today, Ms.Dakshayani Reddy, learned Government Advocate appearing on behalf of respondents 1 to 4 has submitted on instructions that the petitioner has not behaved well and he has been using cell phone in the class room. Naturally, his presence affects the studies of other students. According to her, the 4th respondent considering the future of the petitioner has not taken any action. She also fairly submits that if the petitioner and his mother give an undertaking about his future conduct, the 4th respondent will consider in allowing him to continue in the class room.

5. In view of the same, the petitioner as well as his mother-S.Jothi have filed separate affidavits of undertaking. The said affidavits of undertaking given by them shall form part of the record. In the affidavit of undertaking the petitioner has given an undertaking that he will not cause problem to any one including the 4th respondent. Likewise, the mother of the petitioner has also filed an affidavit of undertaking, undertaking the responsibility of her son's conduct. The undertakings are recorded.

WEB COPY

6. The Writ Petition is disposed of with the direction to the 4th respondent to permit the petitioner to continue in the XII Std Class 1st Group `A'-1 Section based on the undertaking given by the petitioner as well as his mother in this Court. It is also made clear that the petitioner shall perform his function as student properly and not to disturb any other students and act as per the undertaking.

https://hcservices.ecourts.gov.in/hcservices/

7. The Writ Petition is disposed of in the aforesaid terms. No costs. Consequently, M.P.No.1 of 2007 is also disposed of.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sal

To

1.The Director of Higher
Secondary Education
College Road
Chennai 600 006

2.Chief Educational Officer
Cuddalore District,
Cuddalore

3.District Educational Officer
Chidambaram

4.The Head Master
Govt., Nandanar Boys
Higher Secondary School
Chidambaram

5.Child Labour Helpline
Karaikal

1 cc to Mr.A. Muthukumar, Advocate, Sr. 73443
1 cc to the Government Pleader, Sr. 73718

WEB COPY

W.P.NO.36147 of 2007
and M.P.No.1 of 2007

RS (CO)
kk 13/12

https://hcservices.ecourts.gov.in/hcservices/